



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
for Community Development
Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development

Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Kuzhalmozhi Sundar, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Lola M. Rodriguez, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Weedon Cloe, Water Quality Analyst,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

A. Requests to postpone action, emergency additions or changes in the order of presentation.

B. Review Day's Agenda.

(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- C. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Discussion Relative to:
 - ◆ Review/Modify Landscape Ordinances.
 - ◆ Chesapeake Bay Ordinance Amendments.
 - ◆ Construction Runoff Pollution into Swift Creek Reservoir.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW DAY’S AGENDA.

Prior to Mr. Allen’s presentation of the Afternoon Session requests, Mr. Litton indicated that he had a conflict of interest relative to, and would not participate in the discussion of, Case 03PS0231, The Breeden Company (Woodlake Commons Shopping Center), pursuant to the Virginia Conflict of Interest Act.

Mr. Allen updated the Commission as to the status of, and staff’s recommendation for, the requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff’s recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

Mr. Larson updated the Commission as to the status of, and staff’s recommendation for, the proposed Code Amendment relating to application fees for subdivision, zoning, site plan and other planning approvals, to be considered during the Evening Session.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Ms. Fassett and Mr. Schlaudt updated the Commission as to the status of, and staff’s recommendations to schedule potential work sessions relative to the Public Facilities Plan and the Western Route 360 Corridor Plan.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission’s Work Program, it was the consensus of the Commission to adopt their March 2003 Work Program, as outlined by Mr. Jacobson.

E. DISCUSSION RELATIVE TO:

- ◆ **REVIEW/MODIFY LANDSCAPE ORDINANCES.**

Mr. Allen presented an overview of, and explained, proposed major amendments to the Zoning Ordinance Landscape Requirements, noting that, with the Commission's concurrence, staff was prepared to proceed to public hearing.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Cunningham, that the Commission set the date of March 18, 2003, for a public hearing to consider proposed amendments to the Zoning Ordinance Landscape Requirements.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CHESAPEAKE BAY ORDINANCE AMENDMENTS.**

Ms. Salvati updated the Commission as to the status of, and staff's recommendation for, relative to proposed Chesapeake Bay Ordinance Amendments.

Due to time constraints, the Commission requested that staff provide further update at the March 18, 2003, Work Session and agreed to recess the Work Session, at approximately 2:59 p. m., and to reconvene after conclusion of the 3:00 p.m. Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:02 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES FOR JANUARY 21, 2003.

Mr. Jacobson stated that the first order of business would be the consideration of the January 21, 2003, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved to approve the January 21, 2003, Planning Commission minutes, with the following correction:

Pages 29 and 30, Delete paragraph 5 on page 30 and reorder as paragraph 10 on page 29:

"Representatives indicated that the adjacent homeowners had offered an alternative proposal which would prohibit the extension of Fox Club Parkway and provide for 150 feet of common open space adjacent to Foxcroft Subdivision. They indicated that if the Commission and applicant would agree to this proposal, the Foxcroft adjacent homeowners would agree to the withdrawal of proffer relating to minimum lot and house

sizes; timing of construction of recreational facilities; improvements to Fox Club Parkway stub road; and construction of a bike bath in Foxcroft Subdivision.

“In rebuttal, Mr. Wilson addressed the concerns previously expressed by members of the Foxcroft Homeowners Association, Foxcroft Task Force and Foxcroft Adjacent Homeowners, noting the proposed zoning and land use conformed to the Upper Swift Creek Plan; was representative of existing and anticipated area development; and that the proffered conditions sufficiently addressed the impacts of this development on necessary capital facilities.”

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL.**

03PS0231: In Matoaca Magisterial District, **THE BREEDEN COMPANY** requested deferral to March 18, 2003, of consideration for Planning Commission approval of an amendment to the existing schematic plan approved on June 21, 1988. The proposed plan shows three (3) retail buildings with approximately 49,000 total square feet, with three (3) additional out parcel sites. This development is commonly known as **WOODLAKE COMMONS SHOPPING CENTER**. This request lies in a Neighborhood Business (C-2) District on two (2) parcels, totaling 23.15 acres, fronting approximately 820 feet on the north line of Hull Street Road, also fronting approximately 750 feet on the west line of Woodlake Village Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 719-671-6199 and 720-672-0614 (Sheet 15).

Mr. Litton declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 3:06 p. m.

Mr. David Warriner, the applicant's representative, requested deferral to the March 18, 2003, Planning Commission public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 03PS0231, The Breeden Company (Woodlake Commons Shopping Center), to the March 18, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

03PS0245: In Midlothian Magisterial District, **COLONIAL FOODS** requested, with respect to architecture, an amendment to a schematic plan previously approved by the Planning Commission on January 21, 1986. This

project is commonly known as **PIZZA HUT-MIDLOTHIAN VILLAGE**. The request lies in a Corporate Office (O-2) District on a 1.1 acre parcel fronting approximately 160 feet on the north line of Midlothian Turnpike, also lying approximately 450 feet west of the intersection of Mount Pisgah Drive and Midlothian Turnpike. Tax ID 730-707-5088 (Sheet 6).

Mr. Roy Fee, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Cunningham, the Commission resolved that approval for Case 03PS0245, Colonial Foods (Pizza Hut - Midlothian Village), shall be and it thereby was granted, subject to the following condition:

CONDITION

The building exterior shall match the attached elevation drawings.

(Note: Actual sign approval requires separate permit.)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

02PR0346: In Matoaca Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested Planning Commission approval of a site plan for an approximately 2,700 foot extension of Mount Hermon Road into Horner Park, as required by Condition 12 of Case 95PD0128, Clover Hill Sports Complex. This project is commonly known as **MOUNT HERMON ROAD EXTENDED**. This request lies in an Agricultural (A) District on part of three (3) parcels, totaling approximately 7.5 acres, lying south of Genito Road at the southern terminus of Mount Hermon Road. Tax IDs 701-686-Part of 3250, 702-685-Part of 2369 and 702-688-Part of 6738 (Sheet 8).

Mr. Stuart Connock, representing the request, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved that approval for Case 02PR0346, Chesterfield County Parks and Recreation (Mount Hermon Road Extended), shall be and it thereby was granted, subject to the following condition and review comment:

CONDITION

Site plan shall be revised for staff review that accomplish the following review comment.

REVIEW COMMENT:

1. Revise headwall of culvert per previous comments. (T & VDOT)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION:**

The Commission agreed to forego their Field Trip to visit request sites.

◆ **DINNER LOCATION:**

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission resolved to meet for dinner at Antonio's Ristorante and Pizzeria.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

There being no further business to come before the Commission, the Afternoon Session was adjourned at approximately 3:10 p. m.

The Commission reconvened in the Executive Session Meeting Room at approximately 3:20 p. m. to continue their Work Session discussion.

Mr. Litton returned to the meeting at approximately 3:20 p. m.

WORK SESSION (continued)

◆ **CONSTRUCTION RUNOFF POLLUTION INTO SWIFT CREEK RESERVOIR.**

Ms. Salvati updated the Commission as to the status of, and staff's recommendation for, relative to construction runoff pollution into Swift Creek Reservoir.

Upon conclusion of the discussion, the Commission requested that staff provide further update at the March 18, 2003, Work Session.

E. ADJOURNMENT.

The Commission adjourned the Work Session at approximately 4:52 p. m.

At approximately 5:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff departed the Chesterfield County Administration Building for dinner at Antonio's Ristorante and Pizzeria.

During dinner, there was no discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Cunningham presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

Mr. Gecker stated, at this time, the Commission wished to present Mr. Sherman W. Litton, Dale District Planning Commissioner, with a resolution and gift recognizing his tenure as Planning Commission Chairman for the year 2002.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission adopted the following resolution:

***WHEREAS*, Mr. Sherman W. Litton**, Planning Commissioner representing the Dale District, served as **Chairman of the Chesterfield Planning Commission in 2002**; and

WHEREAS, Mr. Litton presented the Planning Commission's growth management analysis at the June 10, 2002, Growth Summit through an articulate and well constructed speech; and

WHEREAS, Mr. Litton led the Planning Commission's study and approval of the Parks and Recreation Master Plan; Consolidated Eastern Area Plan; and Water Quality Plan; which were major components of the Comprehensive Plan; and

WHEREAS, under Mr. Litton's leadership, the Planning Commission developed Zoning Ordinance amendments regulating the location of adult uses; and

WHEREAS, Mr. Litton provided Planning Commission leadership in the development and approval of a Spot Blight Ordinance for Dilapidated Buildings; and

WHEREAS, the Planning Commission, under the leadership of Mr. Litton, adopted improvements to the Sidewalk Policy; recommended stronger access requirements in new subdivisions; and redefined standards for group homes in residential areas; and

WHEREAS, Mr. Litton successfully guided the community acceptance and Commission approval of the County Jail Replacement Project; and

WHEREAS, Mr. Litton successfully guided the Commission in approving numerous residential developments including: George B. Sowers, Jr. for 450 homes on Old Hundred Road; Dart, LLC for 95 homes on Woolridge Road; Stoney Glen LLC for 217 homes and supporting commercial uses on Harrowgate Road;

RVG for 725 homes, supporting commercial and recreational uses on Robious Road, all actions being consistent with the Comprehensive Plan; and

WHEREAS, Mr. Litton supported the Comprehensive Plan by recommending denial of several applications including: Chippenham Square Acquisitions, LLC's request for a payday loan business along Eastern Midlothian Turnpike and Carmax's request to allow an automobile dealership on Midlothian Turnpike; and

WHEREAS, Mr. Litton led approval of numerous cases that promotes economic development including Hackman on Newby's Bridge Road to accommodate a home health care business and industrial uses.

NOW, THEREFORE, BE IT RESOLVED, that the **Chesterfield County Planning Commission** on this **18th day of February 2003** does hereby recognize and applaud the conscientious efforts and commitment to excellence displayed by its 2002 Chairman, **Mr. Sherman W. Litton**.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Mr. Gecker expressed appreciation to Mr. Litton for his conscientiousness and dedication to the service of Chesterfield County.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the March 18, 2003, agenda was comprised of twelve (12) cases and the April 15, 2003, agenda had a total of fifteen (15) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR DEFERRAL BY APPLICANT AND/OR INDIVIDUAL COMMISSIONER.**

03SN0159: In Matoaca Magisterial District, **VERIZON WIRELESS** requested deferral to April 15, 2003, for consideration of Conditional Use Planned Development and amendment of zoning district map to permit a communications tower with height and setback exceptions in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots. This request lies on 3.7 acres fronting approximately 375 feet on the north line of Trents Bridge Road, also fronting approximately 375 feet on the west line of River Road and is located in the northwest quadrant of the intersection of these roads. Tax ID 754-624-6621 (Sheet 40).

There was no one present to represent the request.

Mr. Stack stated he had discussed the request with the applicant's representative and was aware that he would not be able to attend the meeting. He stated the agenda caseload for the April 15, 2003, meeting had already reached a maximum of fifteen (15) cases; therefore, he felt the addition of thirty (30) days, on his own motion, deferring the case for a total of ninety (90) days to the May 20, 2003, meeting, was appropriate.

There was no opposition to the deferral.

The following motion was made at the applicant's request for sixty (60) days and at Mr. Stack's request for an additional thirty (30) days, for a total of ninety (90) days.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission, at the applicant's request for sixty (60) days and on their own motion for thirty (30) days, for a total of ninety (90) days, resolved to defer Case 03SN0159 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0194: In Matoaca Magisterial District, **VIRGINIA STATE UNIVERSITY FEDERAL CREDIT UNION** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public use. This request lies on 0.2 acre and is known as 3402 Boisseau Street. Tax ID 796-611-3757 (Sheet 45).

Ms. Peggy Custis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0194, subject to the following conditions:

CONDITIONS

1. The only uses permitted shall be uses permitted by-right or with restrictions in the Neighborhood Office District (O-1), and banks and savings and loan associations with or without drive-in windows. (P)
2. Except as otherwise stated herein, development shall comply to Ettrick Village Business Core requirements except that the ten (10) foot side setback requirement shall be modified to accommodate the existing building as shown on the "Plat Showing Improvements On No. 3402 & No. 3404 Boisseau Street" prepared by Harvey L. Parks, Inc. dated November 12, 2001. However, any additions to this existing structure or any new structure shall comply with the Ettrick Village Business Core requirements. (P)

(Note: With approval of this request, exceptions shall be granted to allow development to

conform to Ettrick Village Business Core requirements.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0199: In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested amendment to Conditional Use Planned Development (Case 88S003) and amendment to zoning district map relative to signage and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2 units per acre or less. This request lies in a Residential (R-9) District on 182.3 acres fronting in three (3) places for a total of approximately 1,500 feet on the east line of Winterpock Road at Bethia Road, also fronting in two (2) places for a total of approximately 1,100 feet on the west line of North Spring Run Road approximately 450 feet north of Buck Rub Drive. Tax ID 725-665-7515 (Sheets 15 and 23).

Mr. Kirk Turner, the agent for the request, accepted staff's recommendation and introduced Mr. Wayne Bass, representing the Birkdale Subdivision, who accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0199, subject to the following conditions:

CONDITIONS

1. A maximum of two (2) signs that advertise community events for the Birkdale development shall be permitted to contain a maximum of twenty-five (25) square feet in area and a maximum of eight (8) feet in height. Such signs may incorporate up to 100 percent changeable copy. (P)
2. The location of the signs identified in Condition 1 shall be in the vicinity of the intersection of Royal Birkdale Parkway and Royal Birkdale Drive and the intersection of Royal Birkdale Boulevard and Royal Birkdale Drive. (P)
3. In conjunction with the approval of this request, Textual Statement Item 12, General Conditions, Case 88S003, shall be deleted. (P)

(NOTE: With the exception of Textual Statement Item 12, General Conditions, all previous conditions of Case 88S003 shall remain in effect for the subject property.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0204: In Matoaca Magisterial District, **BARTHOL DESIGN ASSOCIATES** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 units per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 113.3 acres fronting approximately 1,550 feet on the northeast line of Woodpecker Road, approximately 2,000 feet

southeast of Bixby Lane. Tax ID 781-628-5861 (Sheet 41).

Mr. David Barthol, representing the request, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0204 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following to the county of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)

2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Development shall not exceed a density of 0.5 dwelling unit per acre. (P)
4. Single story dwelling units shall have a minimum gross floor area of 1,800 square feet, and dwelling units with more than one (1) story shall have a minimum gross floor area of 2,100 square feet. (BI)
5. All exposed portions of the foundation of each dwelling shall be covered with brick or stone veneer or exterior insulating and finishing systems (EIFS) materials. (P)
6. In conjunction with the recordation of the initial subdivision plat, a public access easement, of approximately thirty (30) feet in width along Swift Creek and Frank's Branch Creek, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this easement shall be approved by the Parks and Recreation Department. (P&R)
7. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the east side of Woodpecker Road, measured from the centerline of that part of Woodpecker Road immediately adjacent to the property, shall be

dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. Direct access from the property to Woodpecker Road shall be limited to one (1) public road, located towards the southern property line. The exact location of this access shall be approved by the Transportation Department. (T)
9. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - a. Construction of additional pavement along Woodpecker Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - b. Widening/improving the east side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Chesterfield County Transportation Department, for the entire property frontage.
 - c. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
10. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0109: In Bermuda Magisterial District, **RMD LAND, L.C. AND RMCRK LAND, L.C.** requested amendment of Conditional Use Planned Development (Case 85S121) and amendment of zoning district map relative to setbacks and screening. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies in a Light Industrial (I-1) District on approximately 45.7 acres fronting approximately 1,130 feet on the west line of Ruffin Mill Road, approximately 950 feet north of Ruffin Mill Circle. Tax IDs 807-638-8509, 808-638-1566 and 808-639-3226 (Sheet 35).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation, including the revised Proffered Condition outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0109 and acceptance of the following proffered condition:

PROFFERED CONDITION

Adjacent to Tax IDs 808-638-7283 and 808-639-7909, a minimum twenty-five (25) foot setback shall be maintained for all driveways, parking areas and buildings. Within this setback, a berm shall be installed. The berm shall be landscaped at a density of 2.5 times Perimeter Landscaping C. This requirement shall not be applicable once stated adjacent parcel(s) are zoned for industrial use. (P)

(Note: This condition supersedes Condition 4 of Case 85S121.)

(Staff Note: With approval of this request, Condition 4 is superseded and Condition 2 is deleted in Case 85S121 for the request property only.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT RELATING TO APPLICATION FEES FOR SUBDIVISION, ZONING, SITE PLAN AND OTHER PLANNING APPROVALS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-11, 19-25 and 19-279 relating to application fees for subdivision, zoning, site plan and other planning approvals.

◆ ◆ ◆

Mr. Larson presented an overview of the proposed Code Amendment relating to application fees for subdivision, zoning, site plan and other planning approvals, noting staff's recommendation for approval of Exhibit B.

Mr. Gecker opened the discussion for public comment.

Mr. David Root, representing the Richmond Homebuilders Association and member of the Commission's Fee Committee, voiced support for the proposal, as submitted.

Messrs. Bob Schrum and Roger Habeck, Director and President, respectively, of the Chesterfield County Chamber of Commerce, Inc., requested the Commission consider recommending a twenty-five percent (25%) reduction in commercial planning and rezoning fees, citing increased business fees, transportation difficulties, physical separation from the bulk of regional economic activity, topography and other factors resulting in a competitive disadvantage to the County's commercial and industrial development.

There was general discussion relative to the fee proposal and the financial impact on the County's residential, commercial and industrial development communities.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 7:42 p. m.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 17-11, 19-25 and 19-279 of the Code of the County of Chesterfield, 1997, as*

amended, are amended and re-enacted to read as follows:

Sec. 17-11. Fees.

The fees for processing subdivisions by the county shall be payable upon submission of the plats to the county for tentative or final approval and shall be equal to the following:

(a) Tentative subdivision approval, or resubmittal of an expired previously approved tentative:

(1) Original submittal, including up to two resubmittals . . . ~~\$340.00~~ 330.00

Plus, per lot . . . 20.00

(2) Renewal of previously approved tentative, including up to two resubmittals in accordance with provisions of section 17-32 . . . ~~340.00~~ 330.00

Plus, per lot . . . 20.00

(3) Third and subsequent submittal for (1) and (2), per submittal . . . ~~240.00~~ 220.00

(4) Substitute to approved tentative, per submittal . . . ~~50.00~~ 60.00

(5) Adjusted tentative for previously approved tentative, including up to two resubmittals . . . ~~340.00~~ 330.00

Plus, per lot . . . 20.00

Third and subsequent submittal, per submittal . . . ~~240.00~~ 220.00

(b) Final check, amended and resubdivision plat review:

(1) Final check subdivision plat review . . . ~~680.00~~ 720.00

(Only one base fee will be required for final check plats required to be submitted in multiple sections due to provisions of section 17-42.)

Plus, per lot . . . 10.00

(2) Final check resubdivision plat review . . . ~~520.00~~ 560.00

Plus, per lot . . . 10.00

(3) Final check amended plat review . . . ~~340.00~~ 330.00

Plus, per lot . . . 10.00

- (c) Minor subdivision plat review . . . ~~340.00~~ 330.00
- (d) Residential parcel subdivision, per parcel . . . 35.00
- (e) Parcel line modification review, per parcel . . . 25.00
- (f) Appeal of decision of director of planning . . . ~~270.00~~ 290.00
- (g) Onsite sewage disposal system soils analysis review, per lot/parcel . . . 155.00
- (h) Request by applicant to defer Planning Commission consideration of plat, per request:
 - (1) 40 or fewer days . . . 250.00
 - (2) More than 40 days . . . 150.00

- (i) Request by applicant for engineering department to transfer to electronic format such non-electronic information for townhouse projects regarding contours, boundaries of impervious areas and delineation of storm sewer lines as set forth in § 17-32(d). . . \$75.00

- (j) Alternatives to chapter per section 17-8 . . . 380.00

Plus any applicable plat review fee

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Sec. 19-25. Fees.

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

- (a) Zoning reclassification:
 - (1) Without conditional use planned development:
 - a. Rezoning to R, R-TH, R-MF, MH or A classification . . . ~~2,400.00~~ 2,800.00
Plus, per acre for the first 200 acres . . . ~~80.00~~ 95.00
Plus, per acre over 200 acres . . . ~~40.00~~ 45.00
 - b. Rezoning to O, I, or C classification . . . 1,520.00

Plus, per acre for the first 200 acres . . . 50.00

Plus, per acre over 200 acres . . . 20.00

(2) With conditional use planned development:

- a. Rezoning to for any R, R-TH, R-MF, MH or A ~~classification use~~ . . .
~~4,300.00~~ 5,100.00

Plus, per acre for the first 200 acres . . . ~~80.00~~ 95.00

Plus, per acre over 200 acres . . . ~~40.00~~ 45.00

- b. Rezoning to for any O, I, or C ~~classification use~~ . . . 2,660.00

Plus, per acre for the first 200 acres . . . 60.00

Plus, per acre over 200 acres . . . 20.00

(3) No applicant for a zoning reclassification for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the Enterprise Zone.¹

The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(b) Conditional uses and manufactured home permits:

(1) Manufactured homes permits:

- a. New . . . 550.00

- b. Renewal . . . 250.00

(2) Family day care homes:

- a. Existing zoning R, R-TH, R-MF, MH or A classification . . . 250.00

- b. Existing zoning O, I, or C classification . . . 240.00

(3) Planned development:

- a. Without zoning reclassification:

- (i) ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A
~~classification uses~~ . . . ~~3,800.00~~ 4,500.00

- Plus, per acre . . . ~~40.00~~ 45.00
- (ii) ~~Existing zoning~~ Any request for O, I, or C classification uses . . .
2,380.00
- Plus, per acre . . . 10.00
- b. With zoning reclassification:
- (i) ~~Rezoning to for any R, R-TH, R-MF, MH or A classification use~~ . . .
~~4,300.00~~ 5,100.00
- Plus, per acre for the first 200 acres . . . ~~80.00~~ 95.00
- Plus, per acre over 200 acres . . . ~~40.00~~ 45.00
- (ii) ~~Rezoning to for any O, I, or C classification use~~ . . . 2,660.00
- Plus, per acre for the first 200 acres . . . 60.00
- Plus, per acre over 200 acres . . . 20.00
- c. Amend condition of planned development to include a condition of a textual statement, per first two conditions:
- (i) ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A classification uses . . . ~~2,400.00~~ 2,800.00
- Each additional condition thereafter . . . ~~600.00~~ 700.00
- (ii) ~~Existing zoning~~ Any request for O, I, or C classification uses . . .
1,520.00
- Each additional condition thereafter . . . 380.00
- (4) All others:
- a. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A classification uses . . . ~~1,900.00~~ 2,200.00
- Plus, per acre . . . ~~80.00~~ 95.00
- b. ~~Existing zoning~~ Any request for O, I or C classification uses . . . 1,190.00
- Plus, per acre . . . 30.00

- (5) No applicant for a conditional use or planned development for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.²

²The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

- (c) Amend condition of zoning, other than condition of planned development:

- (1) Per first two conditions:

a. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A classification
~~uses . . . 2,400.00~~ 2,800.00

Each additional condition thereafter . . . ~~600.00~~ 700.00

b. ~~Existing zoning~~ Any request for O, I or C classification uses . . . 1,520.00

Each additional condition thereafter . . . 380.00

- (2) No applicant seeking to amend a condition of zoning for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.³

³The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

- (d) Special exceptions: ~~. . . 1,250.00~~

- (1) Manufactured home, temporary:

a. New . . . 550.00

b. Renewal . . . 250.00

- (2) All others . . . 1,250.00

Plus, per acre . . . 30.00

- (e) Amend condition of special exception:

- (1) Per first two conditions . . . 400.00

- (2) Each condition thereafter . . . 100.00
- (f) Variances, setback, request to BZA:
 - (1) Variance for first ordinance section or subsection varied from . . . 250.00
 - (2) Each additional ordinance section or subsection varied from . . . 150.00
- (g) Variances, administrative:
 - (1) Variance for first ordinance section or subsection varied from . . . 250.00
 - (2) Each additional ordinance section or subsection varied from . . . 150.00
- (h) Variances, all other:
 - (1) Variance for first ordinance section or subsection varied from . . . 600.00
 - (2) Each additional ordinance section or subsection varied from . . . 150.00
- (i) Appeal to board of zoning appeals pursuant to section 19-21 . . . 500.00
- (j) ~~Sign permits~~ Building and sign permit review:
 - (1) Any building permit application for a new single family dwelling or for each unit of a new two-family dwelling . . . 25.00
 - (2) Sign Permits:
 - ~~(1)~~a. Temporary signs, as permitted by article IV of the development standards manual . . . 60.00
 - ~~(2)~~b. All other signs for which building permits are required . . . 110.00
 - ~~(3)~~c. No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee in order to obtain a sign permit. This exemption shall continue for the life of the enterprise zone.⁴
- ⁴The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.
- (k) Substantial accord determinations:

- (1) Existing zoning R, R-TH, R-MF, MH or A classification:
 - a. Planning commission hearing . . . ~~2,600.00~~ 3,100.00
 ~~With accompanying zoning application . . . 850.00~~
 - b. Administrative determination . . . ~~400.00~~ 450.00
- (2) Existing zoning O, I or C classification:
 - a. Planning commission hearing . . . 1,620.00
 ~~With accompanying zoning application . . . 520.00~~
 - b. Administrative determination . . . 250.00

No applicant for substantial accord determination for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.⁵

⁵The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

- (l) Modifications to development standards and requirements: ~~250.00~~
 - (1) Any request for R, R-TH, R-MF, MH or A uses . . . 300.00
 - (2) Any request for O, I or C uses . . . 250.00
- (m) Deferral/remand requests by the applicant, per request:
 - (1) Remand request to planning commission:
 - a. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A classification uses . . . 50 percent of original case fee
 - b. ~~Existing zoning~~ Any request for O, I, or C classification uses . . . No fee
 - (2) Deferral of 40 or fewer days:
 - a. Rezoning, substantial accord, conditional use, CUPD or special exception:
 - i. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A classification uses . . . 500.00
 - ii. ~~Existing zoning~~ Any request for O, I, or C classification uses . . .

240.00

b. Modification to development standards, variance or appeal decisions to the BZA:

- i. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A ~~classification~~ uses . . . 250.00
- ii. ~~Existing zoning~~ Any request for O, I, or C ~~classification~~ uses . . . 240.00

(3) Deferrals of more than 40 days:

a. Rezoning, substantial accord, conditional use, CUPD or special exception:

- i. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A ~~classification~~ uses . . . 250.00
- ii. ~~Existing zoning~~ Any request for O, I, or C ~~classification~~ uses . . . 140.00

b. Modification to development standards, variance or appeal decisions to the BZA:

- i. ~~Existing zoning~~ Any request for R, R-TH, R-MF, MH or A ~~classification~~ uses . . . 150.00
- ii. ~~Existing zoning~~ Any request for O, I, or C ~~classification~~ uses . . . 140.00

No applicant requesting a deferral shall be required to pay a fee for the deferral if he was not charged a fee for his application. This exemption shall continue for the life of the enterprise zone.⁶

⁶The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

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Sec. 19-279. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing as follows:

(a) Site plan:

- (1) Original submittal for non-residential uses, including up to two resubmittals . . . \$900.00
Plus, per acre . . . 60.00
- (2) Third and subsequent resubmittals for non-residential uses, per resubmittal . . . 310.00
- (3) Adjustment to approved site plan for non-residential uses, per submittal or resubmittal . . . 310.00
- (4) No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay any of the fees described in subsections (a)(1) through (a)(3) above. This exemption shall continue for the life of the enterprise zone.¹

¹The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

- (5) Original submittal for residential uses, including up to two resubmittals . . . 1,400.00
Plus, per acre . . . 90.00
 - (6) Third and subsequent resubmittals for residential uses, per submittal . . . 480.00
 - (7) Adjustment to approved site plan for residential uses, per submittal or resubmittal . . . 480.00
- (b)
- (1) Schematic plan for non-residential uses . . . 1,140.00
Plus, per acre for the first 50 acres . . . 50.00
Plus, per acre over 50 acres . . . 20.00
 - (2) Amendment of approved schematic plan for non-residential uses . . . 250.00
 - (3) Schematic plan for residential uses . . . 1,800.00
Plus, per acre for the first 50 acres . . . 70.00
Plus, per acre over 50 acres . . . 40.00
 - (4) Amendment of approved schematic plan for residential uses . . . 380.00

- (c) Appeal of decision of director of planning . . . ~~250.00~~
 - (1) For non-residential uses . . . 250.00
 - (2) For residential uses . . . 380.00
- (d) Request by applicant to defer planning commission consideration of plan, per request:
 - (1) For non-residential uses:
 - (1) a. 40 or fewer days . . . 240.00
 - (2) b. More than 40 days . . . 140.00
 - (2) For residential uses:
 - a. 40 or fewer days . . . 250.00
 - b. More than 40 days . . . 150.00
- (e) Request by applicant for environmental engineering department to transfer to electronic format such non-electronic information regarding contours, boundaries of impervious areas and delineation of storm sewer lines as set forth in § 19-264. . . \$75.00
- (2) *That this ordinance shall become effective July 1, 2003.*

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

02SN0209: In Matoaca Magisterial District, **SOUTHERN LAND COMPANY LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. A mixed use development with residential, office and commercial uses is planned. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1,196.2 acres fronting in three (3) places for a total of approximately 2,800 feet on the north line of Beach Road, lying across from Coalboro Road and at the southern terminus of Otterdale Road. Tax ID 714-663-0471 (Sheets 15 and 23).

Ms. Peterson presented an overview of the request and staff's recommendation.

Mr. John V. Cogbill, III, the applicant's representative, introduced Messrs. Reuben Waller, John Jordan, Mike Noggle and Cecil Sears; and presented a summary of the request and associated benefits the development would provide the County if approved. He addressed transportation elements of the proposal, noting the applicant had addressed the concerns of the Transportation Department.

Mr. Gecker opened the discussion for public comment.

Mr. Wayne Bass, Ms. Mitzie Staton, Ms. Karen Gerber, Mr. Jay Mashaw, Ms. Jodie Felice, Ms. Sue Kerr, Mr. Kevin Byrd, Mr. John Hughes, Mr. Shawn Holt, Mr. Tom Pakuar, Ms. Betty Hunter-Clapp, Mr. Don Felice, Mr. Raymond Overby, residents adjacent to or within close proximity to the proposed development, voiced opposition to the request and asked the Commission to recommend denial, citing concerns relative to increased traffic; cut-through traffic; area road conditions; school capacity; age of the Upper Swift Creek Plan; protection of the County's water supply; insufficient infrastructure to support the proposed development; and impacts on fire and police response times. Several area residents indicated they did not oppose growth in the County but felt it should be better managed, nothing they felt the timing for this, and other recently approved developments, was premature, and requested the proposal be deferred until the appropriate infrastructure was in place to accommodate the needs of the developments.

Mr. Ken Schifflet and Ms. Traci Williams, County residents, voiced support for the request, noting it would take many years for the proposed development to be constructed, thus providing the opportunity for the supporting infrastructure to be put in place; that continued growth to the west was inevitable because western Chesterfield was where people wanted to live; and that the proposed development was a good, planned, managed growth project which conformed to the Upper Swift Creek Plan.

In rebuttal, Mr. Cogbill addressed area residents' previously expressed concerns; noted the proposed development would be a quality, planned, managed growth project which conformed to the Upper Swift Creek Plan; stated the applicant had proffered conditions which adequately mitigated the development's impact on capital facilities; and asked the Commission to forward a recommendation for approval to the Board of Supervisors.

There being no one else to speak, Mr. Gecker closed the public comment.

Messrs. McElfish, Hall, Phelps, McCracken, Jacobson, Carmody and Robinson addressed concerns and answered questions relative to environmental, fire/emergency, utility and transportation services as well as issues of long-range planning, capital facilities and the legal options available to the Commission to deny the request.

Mr. Gulley voiced opposition to the request, citing concerns relating to transportation, overcrowded area schools and the adverse impact the development would have on the Swift Creek Reservoir. He further expressed concerns that no one from School Administration was present to answer questions concerning school issues related to this request.

Mr. Litton voiced support for the proposal, noting there was no legal reason for the Commission to deny the request. He stated he felt the proposed development was a good, well-planned project and was the best the County could get.

Mr. Cunningham voiced support for the request, stating he was comfortable supporting approval of the request because the request complied with the Upper Swift Creek Plan criteria and he felt the applicant's proffered conditions sufficiently addressed the impacts of the development on necessary capital facilities.

Mr. Gecker voiced support for the request, stating he did not feel denying the request was the solution to the problems cited by residents. He expressed concern that no one from School Administration was present to answer questions concerning school issues related to this request; and stated he felt it critically important to the western portion of the County that people become involved in the school process.

Mr. Stack expressed appreciation for the comments/concerns of those present, stating he realized and understood their frustrations. He stated although he may agree with residents with respect to the timing of the development, he felt the request, as presented, was appropriate.

In response to a question from Mr. Stack, Mr. Cogbill indicated the Commission's not accepting Proffered Condition 8.m. was acceptable.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 02SN0209, and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Identification Number 714-663-0471 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A – Plan titled "Preliminary Zoning Map," prepared by Jordan Consulting Engineers, P.C. and dated June 20, 2001, last revised September 10, 2002, (the "Plan") is made a part of this application as Exhibit A, which shall be considered as a general illustration of the proposed development and does not reflect a blueprint for future action for the Property, except as explicitly outlined in the Textual Statement and the proffered conditions. The Tracts shown on the Exhibit may be further divided into Sub-Tracts (a designated portion of the Tract) at the time of site plan or tentative subdivision review, subject to the provisions outlined in the Textual Statement and proffered conditions.

1. Utilities.

- a. A conceptual overall water and wastewater systems plan for this property, accompanied by a utilities infrastructure phasing plan (the "Utility Plans"), shall be submitted to the Department of Utilities at least thirty (30) days prior to the submission of the first tentative subdivision, site, or construction plan for the Property. Should the Department of Utilities find that later variations in line sizing and/or location of the lines are deemed "significant" changes then the Utility Plans shall be revised and submitted for re-approval prior to approval of any additional tentative subdivision, site, or construction plans for the Property.

- b. Public water and wastewater systems shall be used.
 - c. The Developer shall dedicate to the County a water line easement along the east side of the Otterdale Road Extension (the North/South Arterial) right-of-way to facilitate future construction of a planned water transmission interconnection. The width of this easement shall be determined by the Utilities Department prior to, or at the time of submittal of, the first construction plan for Otterdale Road Extension or the first tentative subdivision that incorporates any portion of the Otterdale Road Extension for County review.
 - d. The Developer shall incorporate into the on-site water distribution system for the development a water line along the east/west collector road. The Developer shall construct this line to the easternmost and westernmost boundaries of this development. Subject to applicable County policies, this water line shall be over-sized if requested by the Utilities Department.
 - e. Prior to the issuance of the first building permit for each tentative subdivision plat ("Plat") or prior to a building permit for each site plan ("Plan") approved for the Property, the Developer shall make payments to Chesterfield County in the amount of \$200.00 per acre (not to exceed an aggregate payment of \$239,400 based upon the total acreage in the Property) for that particular Plat or Plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Density. The maximum number of dwelling units permitted on the Property shall be 2392, except that for each acre of commercial and/or office uses developed on the Property the total number of dwelling units shall be reduced at a rate of two (2) dwelling units/acre. Commercial or office development shall not include Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential units, or the Recreational Areas (all as defined in the Textual Statement).
4. Age Restriction.
- a. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units may be restricted to "housing for older persons " as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units ").
 - b. Lots, Tracts, or Sub-Tracts for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat the lots shall be noted as age-restricted. Any site plan for Age-Restricted Dwellings Units shall also note the restriction. (B & M & P)

5. Cash Proffer.

- a. For each dwelling unit developed, except Age Restricted Dwelling Units, the applicant, subdivider, or assignee(s) shall pay \$7,800.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$7,800.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County.
- b. For each Age-Restricted Dwelling Unit developed, the applicant, subdivider, or assignee(s) shall pay \$4,235.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. The \$4,235.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$805 for parks, \$280 for library facilities, \$312 for fire stations, and \$2,838 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$4,235.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)

6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County.

- a. These dedications shall be in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development, whichever occurs first. The exact location of these rights-of-way shall be approved by the Transportation Department.
 - (i) A ninety (90) foot wide right-of-way for Otterdale Road Extension from its existing termination to the southern Property line.
 - (ii) A ninety (90) foot wide right-of-way for the East/West Connection from the eastern Property line to the western Property line.

- b. Forty-five (45) feet of right-of-way on the north side of Beach Road measured from the centerline of that part of Beach Road immediately adjacent to the Property frontage shall be dedicated in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development of Property adjacent to Beach Road or within sixty (60) days after a request by the Transportation Department, whichever occurs first. (T)

7. Access Plan.

- a. Prior to any site plan or tentative subdivision approval, whichever occurs first, a conceptual access plan for Otterdale Road Extension and for the East/West Connection shall be submitted to and approved by the Transportation Department. Access for this development shall conform to the approved access plan or as otherwise approved by the Transportation Department.
- b. There shall be no access or road connection from the Property to Dry Creek Road.
- c. Access from the Property to Beach Road shall be limited to Otterdale Road Extension. (T)

8. Transportation. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this condition. If any of the improvements are provided by others, or if they are determined unnecessary by the Transportation Department as demonstrated by updated traffic studies acceptable to the Transportation Department, then the specific required improvement shall no longer be required by the Developer. The road improvements shall be phased in accordance with the phasing plan outlined herein.

- a. Construction of Otterdale Road and Otterdale Road Extension to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as:
 - (i) A four-lane, divided road section from Route 360 to the Hampton Park Drive intersection.
 - (ii) A four-lane, undivided road section from Hampton Park Drive through the East/West Connection intersection to a two-lane road 1,000 feet south of the intersection (approximately 400' of full width lane with a 600' taper).
 - (iii) A two-lane, undivided road section from approximately 1,000 feet south of the East/West Connection intersection to Beach Road.

- b. Construction of the East/West Connection to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as a two-lane, undivided road section from the eastern Property line to the western Property line.
- c. Construction of left and right turn lanes along Otterdale Road Extension and the East/West Connection at each approved access, including at the Otterdale Road Extension and the East/West Connection intersection, if warranted, based on Transportation Department standards.
- d. Construction of the Otterdale Road Extension intersection with Beach Road as a three-lane section consisting of a northbound lane and two southbound lanes. The exact length of this improvement shall be approved by the Transportation Department.
- e. Construction of a right turn lane and a left turn along Beach Road at the Otterdale Road Extension intersection.
- f. Construction of dual left turn lanes from westbound Route 360 to southbound Otterdale Road.
- g. Construction of a third left turn lane from westbound Route 360 to southbound Otterdale Road with an additional lane of pavement (receiving lane) from Route 360 to Hampton Park Drive.
- h. Construction of dual right turn lanes along northbound Otterdale Road at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.
- i. Full cost of traffic signal installation for the following intersections, if warranted, based on Transportation Department standards:
 - (i) Route 360 and Otterdale Road.
 - (ii) Otterdale Road Extension and the East/West Connection.
 - (iii) Otterdale Road and Hampton Park Drive.
- j. Construction of left and right turn lanes along Otterdale Road at the Hampton Park Drive intersection, if warranted, based on Transportation Department standards.
- k. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified and phased as outlined herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the “off-

site” right-of-way, the Developer shall be relieved of the obligation to acquire the “off-site” right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.

- I. The phasing of these improvements shall be as outlined herein unless otherwise requested by the Developer and approved by the Transportation Department.
 - (i) Prior to recordation of a cumulative total of more than 400 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the improvements specified in proffers 8.a.(i), 8.f. as dual turn lanes and 8.h. as a single right turn lane from northbound Otterdale Road to Route 360, unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department), that any of these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.
 - (ii) Prior to recordation of a cumulative total of more than 1000 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the Otterdale Road Extension in 8.a.(ii) and (iii) from its existing terminus to Beach Road, 8.d., and 8.e., unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that any of these improvements are not yet needed (as determined by the Transportation Department) (except for the completion of Otterdale Road Extension from its then existing terminus to Beach road as a two-lane road) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.
 - (iii) Prior to recordation of a cumulative total of more than 1200 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct 8.g. and 8.h., unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.
 - (iv) Prior to recordation of any subdivision plat or final approval of any site plan a phasing plan of the remaining road improvements shall be submitted to and approved by the Transportation Department. Such phasing plan shall include the above referenced phases. (T)

9. Manufactured Homes. Manufactured Homes shall not be permitted on the Property. (P)

10. Buffers Along Roads. The buffers required by Section 17-20 of the Subdivision Ordinance along roads shall be located within recorded open space. (P)
11. Transportation Densities. For traffic planning purposes, the maximum density of the Property shall be 70,000 square feet of shopping center, 30,000 square feet of general office, 1,220 single family detached residential units, 650 retirement community units, and 400 condominiums or townhouses or equivalent densities as approved by the Transportation Department. (T)
12. Covenant. Prior to recordation of any subdivision plat or final approval of any site plan, the Developer shall record the following covenant for the Property: "Certain roads within the Property are intended to connect to an existing or a future road. Notice is hereby given to all persons interested in purchasing or living within the development that such road connections are planned. Each road that is intended to extend or connect to other roads is shown on the overall road plan attached to these covenants. Any such road is also posted with a sign (located at its temporary terminus) stating "Future road extension."" (T)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
NAY: Mr. Gulley.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Cunningham, seconded by Mr. Litton, that the meeting adjourned at approximately 10:45 p. m. to February 21, 2003, at 3:00 p. m. in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date